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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,550	03/17/2004	Pony Ma	12480/3	3714

7590 06/29/2005

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EXAMINER

PICKETT, JOHN G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/802,550	MA, PONY	
	Examiner	Art Unit	
	Gregory Pickett	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Megal (US 5,484,129).

Regarding claim 1, Megal discloses a case comprising a casing body **38** arranged as claimed, and an anchoring unit having a plate connecting portion **42 & 46** and a casing connecting portion **52**. The examiner notes that the camera stand and connecting plate are not positively recited in the claim; as such, Megal is capable of mounting to an unspecified connecting plate of a camera stand and inherently capable of retaining camera accessories.

As to claim 2, casing connecting portion **52** is a three-armed anchoring frame with a first arm pivotally connected to plate connecting portion **42 & 46**, and second and third arms extending transversely from opposite ends of the first arm and connected to casing body **38** (see Figure 2).

As to claim 3, Megal discloses pivotal connection of the second and third arms to the peripheral wall of casing body **38** by means of pivots **56**.

As to claim 4, the middle segment of the first arm of portion **52** is pivotally connected to plate connecting portion **42 & 46** by means of pivot **54**.

As to claims 7 and 8, Megal discloses first anchoring plate 42 and second anchoring plate 46 arranged as claimed.

As to claim 9, Megal discloses fastening unit 48.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-6, 10, and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kollman (US 2,436,109) in view of Thomas et al (US 3,840,204).

Regarding claim 1, Kollman discloses an accessory case with a casing body **B** having a bottom wall **16** and peripheral wall **10 & 10'**, and an anchoring unit having casing connection portions **18 & 19**. Kollman lacks, or does not expressly disclose a plate connecting portion pivotally connected to the casing connection portion.

Thomas et al discloses a gimbaled mounting means by which a receptacle may be mounted to a surface and be maintained substantially upright independent of the motion of the mounting surface (see Col. 1, lines 3-11). Thomas et al discloses middle segment **14** and plate connecting portion **20** for pivotal connection of the receptacle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the case of Kollman with a middle segment and plate connecting portion as taught by Thomas et al in order to mount the case to a surface and be maintained substantially upright independent of the motion of the mounting surface.

As such, the case of Kollman-Thomas would be capable of mounting to an unspecified connecting plate of a camera stand and capable of retaining camera accessories.

As to claim 2, Kollman-Thomas discloses first arm (Kollman **19**) and arms Kollman **18**) representing second and third arms.

As to claim 3, Kollman-Thomas discloses pivotal connections (Kollman **24**).

As to claim 4, Kollman-Thomas discloses middle segment (Thomas **14**).

As to claim 5, Kollman-Thomas discloses rectangular bottom wall (Kollman **16**), front and rear upright walls (Kollman **10'**) connected to arms (Kollman **18**), and first arm (Kollman **19**) adjacent to left and right upright walls (Kollman **10**).

As to claim 6, Kollman-Thomas discloses releasable locking member (Kollman **23**).

As to claim 10, Kollman-Thomas discloses lid (Kollman **11**) and hinge (Kollman **13, a, b**).

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As to claim 11, Kollman-Thomas discloses lid (Kollman **11**) with a flat upwardly facing surface, and hinge leaves (Kollman **a, b**) with hinge pin (Kollman **13**).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Pickett
Examiner
23 June 2005



Mickey Yu
Supervisory Patent Examiner
Group 3700